

February 13, 1989

RECEIVED BY
OFFICE OF CITY CLERK

1989 FEB 13 PM 12: 35

Mr. Joseph Connarton - City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

CAMBRIDGE MA.

Dear Mr. Connarton:

I have enclosed copies of

1. Letter to Mr. Robert W. Healy, Cambridge City Manager, dated 2/6/89;
2. Letter to Mr. Healy, dated 2/13/89;
3. Letter to Ms. Margaret Drury, Executive Director, Cambridge Rent Control Board, dated 2/8/89;
4. Letter to Ms. Drury, dated 2/13/89.

These letters pertain to Ms. Jacqueline T. Rickard and Richard G. Reavis and their involvement in Cambridge Rent Control case SCV 88-281 regarding 52-54 Fairmont St., Cambridge, and Board of Zoning Appeal (BZA) case 5377 involving a variance granted to John F. Gonsalo, Jr., the owner of 26 Chatham St., Cambridge. This variance was subsequently annulled by the Middlesex Superior Court in a civil action, CA 86-8025.

I request that a full copy of these letters be communicated to each Councilor as a Supplemental Communication prior to tonight's Council meeting.

I request that I be permitted five minutes at tonight's City Council to address these matters, preferably before the Council votes on extending the City Manager's contract and buy-out clause.



Jack Martinelli

171 Auburn Street
Cambridge, MA 02139-3949

February 6, 1989

RECEIVED BY
OFFICE OF CITY CLERK

Mr. Robert W. Healy
City Manager-Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

1989 FEB 13 PM 12: 35

CAMBRIDGE MA.

Dear Mr. Healy:

I have read in its entirety the Hearing Report, SCV 88-281, of the Cambridge Rent Control Board. The case involves alleged illegal removal of rent-controlled units from the market place by merging units. The hearing examiner determined in Findings of Fact # 7-17, and 19 & 20 that Jacqueline T. Rickard knowingly and willfully merged and removed units in violation of the rent control law. The hearing examiner recommended "1. seek the issuance of criminal complaints against Jacqueline Rickard for illegally removing units #2 and #3 at 52 Fairmont St, and unit #2 at 54 Fairmont St in violation of Ordinance 966; and that the Board treat the illegal removal of each unit as a separate violation, pursuant to section 1(f) of Ordinance 966;".

I have also read the letter to you from Mssrs. Robert O. Edbrooke and Michael Turk, Co-chair of the Cambridge Tenants Union. I understand there was some difficulty delivering that letter to you and the City Council via the City Clerk's office in a timely fashion. I concur wholeheartedly in their request that you review the appropriateness of Ms. Rickard continuing to serve as an alternate on the Board of Zoning Appeal.

Bearing in mind the presumption of innocence, I would go further to request that you suspend her appointment to the BZA until such time that this matter is resolved.

To aid your deliberation over this matter, I am enclosing a "HISTORY OF OWNERSHIP of 52-54 FAIRMONT ST, CAMBRIDGE, 02139 as recorded at SOUTH MIDDLESEX REGISTRY of DEEDS. CAMBRIDGE RENT CONTROL BOARD SCV 88-281." I believe this list includes every instrument recorded regarding 52-54 Fairmont St. Two items are of particular interest and are NOT in the Hearing Report.

1. Item 22. On 7/14/87, the City of Cambridge took the property for the 1985-86 taxes. Account 232180-01.

2. Items 11-13. Prior to selling 52-54 Fairmont St. to Arthur Abbott and Victor Balk on 10/21/85, Ms. Rickard sold a 50% interest to Anthony and Patricia Hanscom on 11/30/84. Apparently, the deal immediately soured because the Hanscoms sold their entire interest back to Rickard on 4/18/85, less than five months later, for the same \$60,000 at which they had initially purchased. On the same day (4/18/85), Rickard borrowed \$60,000 from Emile N. DuPont secured by

52-54 Fairmont St.

Meanwhile, on 1/16/85, the Hanscoms purchased a residence in Reading, MA. Apparently, they never occupied 52-54 Fairmont St.

I would also like to draw your attention to item # 10, page 6, of the Hearing Report where Ms. Rickard responded to questioning by her attorney, George Butler of Ferraro and Walsh "She was not aware of the removal permit requirement and was not aware that she was doing anything wrong."

As page 5 of my enclosure will attest, Ms. Rickard is not a simple carpenter or small developer. Since 1980, she has held ownership and/or trustee interests in more than a dozen properties in Cambridge as well as other towns. In fact, her very first Cambridge property, 44 Bigelow St., was a hotly contested conversion of a former five-unit house into two condominiums by the merging of units. Immediately upon purchasing and occupying, she claimed in a statement to the Rent Control Board that it was a three-unit residence, owner-occupied, and therefore exempt from rent control. The parallel to the 52-54 Fairmont St. case is compelling, in my opinion.

In fact, I think that every property in Cambridge in which she has had owner interest and resided therein was initially rent-controlled and is no longer.

I reiterate in the strongest possible terms my opinion that Ms. Rickard is unfit to serve as an alternate on the BZA until this matter is resolved. I believe that after your usual thoughtful consideration you will act expeditiously to suspend her.



Jack E. Martinelli
171 Auburn St
Cambridge, MA 02139-3949

RECEIVED BY
OFFICE OF CITY CLERK
1989 FEB 13 PM 12:35
CAMBRIDGE MA.

February 13, 1989

RECEIVED BY
OFFICE OF CITY CLERK

1989 FEB 13 PM 12:35

CAMBRIDGE MA.

Mr. Robert W. Healy
City Manager-Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Healy:

I again request you to suspend Jacqueline T. Rickard from the Board of Zoning Appeal (BZA).

Since my letter to you of 2/6/89 regarding Cambridge Rent Control Board case SCV 88-281, I have noticed another unusual ownership pattern involving Ms. Jacqueline T. Rickard. This new instance is particularly disturbing since

IT INVOLVES ANOTHER MEMBER OF THE BZA and A DECISION BY THE BZA CONCERNING PROPERTY RECENTLY OWNED BY TWO MEMBERS OF THE BZA.

This new participant is Ann Jarosiewicz, who resides at 12 Chatham St. and has been a member of the BZA since 6/25/84 according to City records.

IN PARTICULAR, I draw your attention to Cambridge Board of Zoning Appeal case Number 5377 heard October 23 and December 4, 1986, wherein by a 4-0 vote, and over the objection of a Cambridge resident, the BZA granted a variance to the owner of 26 Chatham St. This property had originally been owned by Ann Jarosiewicz who sold it to Jacqueline Rickard, trustee of 26 Chatham St. Trust, during the period 12/31/85 until 4/16/86 (Note bene. On 3/24/86, you appointed Ms. Rickard to the BZA). The objecting Cambridge resident initiated a Civil Action in Middlesex Superior Court which resulted in an order by Judge Hiller Zobel that "the decision of the City of Cambridge Board of Zoning Appeal filed December 12, 1986 (Case No. 5377) is ANNULLED." In essence, the Court found that the BZA had not met any of the three statutory requirements necessary for granting a variance.

To aid your deliberation over this matter, I am enclosing a "HISTORY of OWNERSHIP of 26-30 CHATHAM ST., CAMB, as recorded at SOUTH MIDDLESEX REGISTRY of DEEDS (through 2/8/89)". To the best of my knowledge, this report lists every recorded instrument at the South Middlesex Registry of Deeds from 12/31/85 until the present.

I have been UNABLE TO FIND ANY RECORD OF A CONDOMINIUM MASTER DEED for 26 Chatham St. at the South Middlesex Registry through 2/8/89. If there is none, there is great question about the real status of the present occupants. There is some question about the representation of these units as condos to prospective buyers.

The unusual circumstances surrounding the sales of 26-30 Chatham St. and the aforementioned Globe advertisements caused another Cambridge resident to question the bona fide owner-occupancy of 26 Chatham St. She filed a complaint with the Rent Control Board on 3/10/87, stating "Furthermore, I contend that the purported claim to owner-occupancy by Mr. John F. Gonsalo, Jr., is False and was never made in good Faith. I contend that Mr. Gonsalo's purported claim to owner-occupancy was made to facilitate the conversion of rent-controlled property to condominiums by Jacqueline T. Rickard acting as trustee of the 26 Chatham St. Trust,.... Ms. Rickard is fully aware of Ordinance 966 as well as amendments to it because she is the owner and/or trustee of several de-controlled Cambridge properties and is an associate member of the City of Cambridge Board of Zoning Appeal. Despite testimony that the units were completely empty at that time, that the 26 Chatham St. Trust did not appear to be terminated, and that Mr. Gonsalo, Jr., was involved in at least four (4) real estate sales and three (3) mortgages between June 1984 and April 1985, in addition to 26 Chatham St., the Hearing Examiner found that the occupancy was bona fide and decontrolled the units. A reasonable person might conclude that the Globe advertisements were designed to initiate negotiations for sales of "condos" expected to close just after the "one year and one day " standard that the Rent Control Board has frequently used to satisfy the requirement of intent necessary for a removal permit. If all of this is true, in my opinion it is a sophisticated and cynical attempt to circumvent the intent of the Rent Control law.

In the civil action in Middlesex Superior Court (CA 86-8025), the Cambridge person had opposed the illegal ex-post facto award of a zoning variance by the BZA to Mr. Gonsalo, Jr., to legitimate the presence of three porches Gonsalo had constructed without obtaining the necessary building permits or zoning variances. The Superior Court found that the BZA had not properly complied with the requirements of G.L.c. 40a s. 10 for granting a variance. In fact, the BZA had haphazardly considered the case completely ignoring the first statutory requirement while merely reciting the words of the second and third requirements. The BZA issued the variance despite extensive case law establishing the requirement that a zoning board set forth clearly the reasons for its decisions. A 1974 review of cases "found no case in which a variance has been sustained in the face of inadequate findings by the board." Cass v. Board of Appeals of Fall River, 2 Mass. App. Ct. 555, 558 n.5 (1974).

CAMBRIDGE MA.
1989 FEB 13 PM 12:35
RECEIVED BY
OFFICE OF CITY CLERK

Needless to say, this civil action prevented any possible easy conversion to condominiums at that time. That situation continues to the present time since Mr. Gonsalo, Jr., represented by George Butler, III, of Ferraro and Walsh, has successfully obtained the Court's permission, over the objection of the plaintiff, to file a LATE APPEAL of the order to annul. However, counsel has not filed any motions in the case despite it being assembled since October 5, 1988.

TO HIS CREDIT, on 11/2/88, Joseph J. Cellucci, Commissioner of Inspectional Services, informed Russell Higley, City Solicitor, of the Superior Court action annulling the BZA variance at 26 Chatham St. Mr. Cellucci asked "Does this mean all work completed by the BZA decision shall be removed? Please advise me as to what action I should take." I am not aware of any written, or other public record, response by Mr. Higley regarding this matter.

Although continuing to bear in mind the presumption of innocence, this new information further confirms my opinion that Jacqueline T. Rickard is unfit to serve on the Board of Zoning Appeal until Cambridge Rent Control Board case SCV 88-281 is resolved. Therefore, I repeat my request to you of 2/6/89 to suspend Ms. Rickard from the BZA immediately pending resolution by the Cambridge Rent Control Board. In this case Ms. Rickard is being represented by Mssrs. George Butler and John Collier of Ferraro and Walsh.


In addition, it is my opinion that the BZA variance for 26 Chatham St. and particularly the extreme opposition by Mr. Edward Goode to reopening the hearing to admit testimony by the objecting Cambridge resident who had not been properly noticed of the hearing by the BZA has the appearance of favoritism to two sitting members of the BZA to the detriment of at least one Cambridge resident, not to mention the public interest.

On the other hand, a possible explanation is that the BZA has and continues to handle variances with a similarly cavalier manner, in which case numerous variances are at risk and the BZA and the City of Cambridge are protected only by the relatively strict requirements for filing appeals in a timely fashion (30 days).

Whichever it is, my confidence in the ability or willingness of Mr. Brendon Sullivan, Chairman, Mr. Edward Goode, Mr. Melvin Gadd, and Ms. Susan Spurlock, your appointees, to act impartially and in compliance with statutory requirements is greatly shaken.

1. I request that you initiate a survey of recent BZA decisions to determine whether similar lack of compliance is standard operating procedure.

2. I request that you review the actions of the above named regarding case 5377 to determine whether improper influence was used.


Jack Martinelli
171 Auburn St.
Cambridge, MA 02139-3949

CAMBRIDGE MA.

1989 FEB 13 PM 12:35

RECEIVED BY
OFFICE OF CITY CLERK

HISTORY of OWNERSHIP of 26-30 CHATHAM ST., CAMB,
as recorded at SOUTH MIDDLESEX REGISTRY of DEEDS (through 2/8/89)

1. On 12/31/85, Peter V. C. von Sneidern, Executor under the will of Karl A. V. A. von Sneidern, SELLS lots # 1, 2, and 3 on Chatham St. to Ann Jarosiewicz of 26 Chatham St. for \$250,000 EACH. Bk 16686 Pg 152.

2. Karl von Sneidern had obtained the property by deed of Sophie Manson, dated 9/18/41. Bk 6536 Pg 214.

3. On 12/31/85, Ann Jarosiewicz SELLS lot # 1, now known as 30 Chatham St., to Hoyt H. Cousins and Guida C. Walsh for \$267,500. Bk 6686 Pg 151. Notarized by Mary C. Praught.

The new owners borrow \$330,000 from University Bank and Trust Company secured by 30 Chatham St. Bk 16686 Pg 153.

4. On 12/31/85, Ann Jarosiewicz SELLS lot # 2, now known as 28 Chatham St., to Nikom and Thidavadee Sopapunta for \$385,000. Bk 16695 Pg 402.

Notarized by Mary C. Praught.

On 12/31/85, the new owners borrow \$270,000 from the Haymarket Cooperative Bank secured by 28 Chatham St. and by 1054 West Roxbury Parkway, Chestnut Hill (Newton). Bk 16695 Pg 403; and

on 1/3/86, they borrow \$20,000 from Ann Jarosiewicz for a maximum of one year, Bk 16695 Pg 414, subsequently discharged Bk 17170 Pg 140; and

on 1/3/86, they borrow \$60,000 from Ann Jarosiewicz for one year, Bk 16695 Pg 418, subsequently discharged Bk 17170 Pg 141.

5. On 12/31/85, Ann Jarosiewicz SELLS lot # 3, now known as 26 Chatham St., to Jacqueline T. Rickard, trustee of 26 Chatham St. Trust (DCLN TR 12/31/85; Bk 16695 Pg 378), for 385,000. Bk 16695 Pg 381. Notarized by Mary C. Praught.

6. On 1/3/86, J. T. Rickard, trustee, BORROWS \$80,000 from Ann Jarosiewicz secured by 26 Chatham St. Bk 16695 Pg 396. Subsequently discharged on 4/10/86. Bk 18006 Pg 258.

7. On 1/3/86, J. T. Rickard, trustee, BORROWS \$270,000 from the Haymarket Cooperative Bank secured by 26 Chatham St. Bk 16695 Pg 382. Notarized by Mary C. Praught. Subsequently discharged on 4/1/87. Bk 18006 Pg 257.

8. On 1/22/86, J. T. Rickard, trustee, BORROWS \$180,000 from Capitol Bank and Trust secured by 26 Chatham St. Bk 16729 Pg 015. Subsequently discharged on 4/16/86. Bk 18006 Pg 259, and on 12/30/87. Bk 18799 Pg 218.

RECEIVED BY
OFFICE OF CITY CLERK
1989 FEB 13 PM 12:35

9. On 4/10/86, J. T. Rickard, trustee, SELLS 26 Chatham St. to John F. Gonsalo, Jr. for \$340,000. Bk 16919 Pg 507.
Notarized by Mary C. Praught.

10. On 4/16/86, J. F. Gonsalo, Jr. BORROWS \$265,000 from the East Cambridge Savings Bank secured by 26 Chatham St.

Inspection of this record and the computer database (complete through 2/8/89) revealed no reference to a discharge.

RECEIVED BY
OFFICE OF CITY CLERK
1989 FEB 13 PM 12:35
CAMBRIDGE MA.

February 13, 1989

RECEIVED BY
OFFICE OF CITY CLERK

1989 FEB 13 PM 12:35

CAMBRIDGE MA.

Mr. Robert W. Healy
City Manager-Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Healy:

In the matter of Jacqueline T. Rickard and Cambridge Rent Control Board case SCV 88-281 regarding 52-54 Fairmont St., I have noticed a curious fact about the financing of the purchase by the present owners, Arthur Abbott and Victor Balk, from the R&J Trust, J. T. Rickard and Richard G. Reavis, trustees, on 10/21/85. Inspection of my earlier report to you entitled "History of Ownership of 52-54 Fairmont St., Cambridge, ..." (See items # 16-18) will show three loans to Mssrs. Abbott and Balk on or shortly after the sale. Two are from J. T. Rickard and Richard G. Reavis for \$20,000 and \$41,937.82 each for one year at 9% interest. The third is from the Haymarket Cooperative Bank, a frequent lender in Ms. Rickards ventures, for \$117,600.

EXAMINATION OF THE RECORDS OF THE SOUTH MIDDLESEX REGISTRY ON 2/3/89 DID NOT REVEAL THAT ANY OF THE THREE LOANS HAVE BEEN DISCHARGED.

Therefore, Abbott and Balk have borrowed approximately \$179,500 against a property for which they paid \$168,000. THEY APPARENTLY HAVE NO PRINCIPAL INVESTED IN THE PROPERTY.

In my opinion, this arrangement raises questions about the actual owners and beneficiaries of A&B Trust. It is consistent with Mr. Abbott's testimony before the Hearing Examiner that his role in the venture was to owner-occupy 52-54 Fairmont St., decontrol it, and convert it to condominiums and/or a two-family house as well as performing much of the carpentry and renovations.

I request that you include this information in your deliberations as to whether Ms. Rickard should be suspended from the BZA pending resolution of SCV 88-281.

I again request that you suspend her.



Jack Martinelli
171 Auburn Street
Cambridge, MA 02139-3949

HISTORY of OWNERSHIP of 52-54 FAIRMONT ST, CAMBRIDGE, 02139
as recorded at SOUTH MIDDLESEX REGISTRY of DEEDS
CAMBRIDGE RENT CONTROL BOARD SCV 88-281

1. On 1/7/81, Robert C. Healey, trustee of 52-54 Fairmont St. Trust, sells to Francis E. Branley, trustee of Katherine Realty Trust (DCLN 1/9/81; Bk 14186 Pg 197) for \$42,000. Bk 14186 Pg 205.
2. On 1/7/81, R. C. Healey lends F. E. Branley, trustee, \$21,261.18 for three years at 10% annual interest secured by 52-54 Fairmont St. Bk 14186 Pg 206. Subsequently discharged on 12/14/83. Bk 15359 Pg 390.
3. On 12/14/83, F. E. Branley SELLS to J. T. Rickard (JTR) and Richard G. Reavis (RGR) for \$92,500. Bk 15359 Pg 392.
4. On 12/14/83, Branley lends \$4500 to JTR and RGR secured by 52-54 Fairmont St. Bk 15359 Pg 393. Subsequently discharged Bk 15664 Pg 242.
5. On 12/14/83, Haymarket Cooperative Bank grants mortgage to JTR and RGR, joint tenants, for \$63,000 secured by 52-54 Fairmont St. Bk 15359 Pg 393. Subsequently discharged Bk 16616 Pg 480.
6. On 12/14/83, Haymarket Cooperative Bank records a "Non-indexed Adjustable Rate Mortgage Rider" on the mortgage in item 5 above. Bk 15359 Pg 396.
7. On 1/23/84, JTR and RGR SELL to JTR and RGR, Trustees of R&J Trust (u/d/t 1/23/84 Bk 15424 Pg 037) for \$1.00. Bk 15424 Pg 040.
8. I could NOT find a schedule of beneficiaries for R&J Trust.
9. On 3/30/84, Emile N. Dupont lends JTR and RGR, trustees of R&J Trust, \$10,000 for one year at *** 24% annual interest *** secured by 52-54 Fairmont St. Bk 15512 Pg 193. Subsequently discharged on 10/2/84. Bk 15823 Pg 031.
10. On 4/13/84, Branley records the Subordination of his mortgage to JTR and RGR (See item 4 above) to that of E. DuPont (See item 9 above). Bk 15522 Pg 578. Subsequently discharged on 10/2/84. Bk 15823 Pg 031.

CAMBRIDGE MA.

1989 FEB 13 PM 12:35

RECEIVED BY
OFFICE OF CITY CLERK

11. On 11/30/84, JTR and RGR, trustees, sell 50% interest in 52-54 Fairmont St. to Anthony L. Hanscom and Patricia B. Hanscom, husband and wife, for \$60,000. Bk 15921 Pg 423.

In the same document, the Hanscoms agree to assume \$31,500 of an existing mortgage with the Haymarket Cooperative Bank (See item 5 above).

12. On 4/18/85, the Hanscoms SELL 50% INTEREST IN 52-54 Fairmont St. BACK TO JTR and RGR, trustees, for \$60,000. JTR and RGR also reassume the entire mortgage to Haymarket Cooperative Bank. Bk 16114 Pg 530.

13. On the same day, 4/18/85, E. DuPont grants \$60,000 mortgage to JTR and RGR secured by 52-54 Fairmont St. subordinated to the mortgage from Haymarket Cooperative Bank.

Note bene. Meanwhile, the Hanscoms purchased a residence at 58 Spruce Road, Reading Mass. 01867, (508)942-1150, on *** 1/16/85 *** Bk 15972 Pg 179 later borrowing \$120,000 from Northeastern Mortgage Company, Inc. Bk 17459 Pg 503.

This entire sale and buy-back occurs in less than five months.

14. On 10/21/85, JTR and RGR, individually and as trustees, SELL to Arthur I. Abbott and Victor Balk, trustees of A&B Trust, for \$168,000. Bk 16523 Pg 292.

15. On 10/21/85, Abbott and Balk form A&B Trust. Bk 16523 Pg 289; also known as instrument 630, Oct. 30, 1985.

16. On 10/21/85, JTR and RGR lend \$20,000 for one year at 9% annual interest to Abbott and Balk. Bk 16523 Pg 296. NOT DISCHARGED.

17. On 10/21/85, JTR and RGR grant a second mortgage to Abbott and Balk at \$41,937.82 for one year at 9% annual interest. Bk 16535 Pg 140. NOT DISCHARGED.

18. On 10/23/85, Haymarket Cooperative Bank grants mortgage to Abbott and Balk secured by 52-54 Fairmont St. for \$117,600. Bk 16523 Pg 293. NOT DISCHARGED.

RECEIVED BY
OFFICE OF CITY CLERK
1989 FEB 13 PM 12:35
CAMBRIDGE MA.

19. On 1/22/86, JTR and RGR, trustees, assign the two mortgages and claims previously granted to Abbott and Balk for 52-54 Fairmont St. (See items 16 and 17 above) to Capitol Bank and Trust Company. Notarized by Mary C. Praught. Bk 16729 Pg 014.

20. On 7/23/86, JTR and RGR, trustees, AGAIN assign the presumably same two mortgages to Capitol Bank and Trust. Bk 17233 Pg 559. Notarized by Mary C. Praught.

HOWEVER, this document would appear to be FLAWED on its face since it refers to both mortgages as recorded at Bk 16535 Pg 410. Compare item 17 above.

IN ADDITION, the reference to the first assignment is incorrectly listed as Bk 16729 Pg 15, not the correct Pg 14.

21. On 7/32/86, a TRCF for R&J Trust, states (referring to JTR and RGR) "1. That they are the sole Trustees of said Trust;". Bk 17233 Pg 560. Notarized by Mary C. Praught.

22. On 7/14/87, the City of Cambridge takes the property for back taxes (1985-86) plus interest plus expenses totaling \$1061.58. Account Number 232180-01). JTR and RGR are listed as the owners.

CAMBRIDGE MA.

1989 FEB 13 PM 12:35

RECEIVED BY
OFFICE OF CITY CLERK

INSPECTION of UCC FILE in the CAMBRIDGE CITY CLERK'S OFFICE (as of April, 1987)

#040949 JTR and RGR residing at 52 Fairmont St, Trustees of RRB Trust, u/d/t Sept. 26, 1985, Document 416 on 10/1/85, Bk 16469 Pg 156. (Check to see if "B" in "RRB" refers to Victor Balk.)
acknowledge debt to Olympic International Bank and Trust Compa
secured by all personal property and fixtures at 1531 Cambridge St.
(A second page of attached property was not available at the clerks
office).
Recorded 10/7/85.

#047185 DuPont, Emile N., Walsh, William H., and Moranian, Thomas
Trustees of 67 Smith Place Trust at One Church St, Webster, MA 01570,
acknowledge debt to Eliot Savings Bank

Recorded 4/21/87.

CAMBRIDGE MA.
1989 FEB 13 PM 12:35
RECEIVED BY
OFFICE OF CITY CLERK

JT RICKARD and/or RG REAVIS TRUSTS (AS OF DECEMBER 1988)

1. R&J TRUST: DCLN Bk 15424 Pg 037
1/27/84 #575
2. 44 TRUST: DCLN Bk 15424 Pg 041
1/27/84 #577
3. 44 BIGELOW ST CONDO TRUST
DCLN Bk 14509 Pg 571
1/11/82 #007
4. THOMAS ST TRUST
DCLN Bk 16547 Pg 008
11/1/85 #611
5. MILTON ST TRUST w/ Adam Gere
DCLN Bk 19142 Pg 273
6/23/88 #536
6. 73 ALLSTON ST CONDO TRUST
DCLN Bk 17852 Pg 083
2/6/87 #704
7. 67 INMAN TRUST
DCLN Bk 15931 Pg 589
12/3/84 #660
8. 108 TROWBRIDGE ST TRUST w/ Ivan J. Z. Bereznicki
DCLN Bk 16303 Pg 096
7/9/85 #600
9. 122 TROWBRIDGE ST TRUST w/ David L. Bromley
DCLN Bk 17394 Pg 496
9/15/86 #219
10. CONCORD and WALDEN TRUST
DCLN Bk 17411 Pg 221
9/19/86 #1011
11. 26 CHATHAM ST TRUST
DCLN Bk 16695 Pg 378
1/7/86 #789
12. 27-31 KINNAIRD ST TRUST
DCLN Bk 17233 Pg 558
7/24/86 #830
13. RRB TRUST DCLN Bk 16469 Pg 156
10/1/85 #416
14. 2 MORELAND ST TRUST
DCLN Bk 17233 Pg 561
7/24/86 #829
15. JTR TRUST DCLN Bk 16695 Pg 378
1/7/86 #

-end-

RECEIVED BY
OFFICE OF CITY CLERK
1989 FEB 13 PM 12:35
CAMBRIDGE MA.

February 8, 1989

Margaret Drury-Executive Director
Cambridge Rent Control Board
831 Massachusetts Avenue
Cambridge, Mass. 02139

RECEIVED BY
OFFICE OF CITY CLERK
1989 FEB 13 PM 12:36
CAMBRIDGE MA.

RE: SCV 88-281 / 52-54 Fairmont St

Dear Ms. Drury:

I only recently learned of the special case involving the alleged illegal merging of units and therefore the illegal removal of rent-controlled units at 52-54 Fairmont St. by one of the former owners, J. T. Rickard. I learned it through a small news item in the Cambridge TAB in January, 1989. I was not aware of either of the two evidentiary hearings held last November and December. I would have offered PUBLIC RECORD EVIDENCE regarding the property at that time.

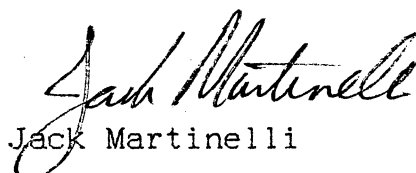
It is my understanding that the Board considered the Hearing Report on January 11, 1989, and remanded it for additional testimony by Ms. Rickard and/or her witnesses. Only this week I was told the tentative third hearing date has been postponed at the request of Ms. Rickard's counsel, Mssrs. G. Butler and J. Collier of Ferraro and Walsh.

With this letter, I have enclosed a report entitled "HISTORY of OWNERSHIP of 52-54 FAIRMONT ST, CAMBRIDGE, 02139 as recorded at SOUTH MIDDLESEX REGISTRY of DEEDS. CAMBRIDGE RENT CONTROL BOARD SCV 88-281". To the best of my knowledge, this report lists every recorded instrument at the South Middlesex Registry of Deeds pertaining to 52-54 Fairmont St during the period in question.

I request that this report be introduced at the reopened hearing and included in the public record.

I request that counsel for the CRCB representing the public interest take particular notice of the sale on 11/30/84 of a 50% interest in 52-54 Fairmont St to Anthony and Patricia Hanscom and the repurchase of the same interest by Ms. Rickard at the same price within five months, both transactions occurring PRIOR to the sale of the entire property to A. Abbott and Victor Balk.

If my presence is necessary at the reopened hearing to introduce this report describing the public record, I would be happy to attend. In any event, I request that I be informed by mail of the new hearing date and/or other developments in this case as soon as possible.


Jack Martinelli

February 13, 1989

RECEIVED BY
OFFICE OF CITY CLERK

Ms. Margaret Drury - Executive Director
Cambridge Rent Control Board
831 Massachusetts Avenue
Cambridge, MA 02139

1989 FEB 13 PM 12:36

CAMBRIDGE MA.

Dear Ms. Drury:

In the matter of Jacqueline T. Rickard and Cambridge Rent Control Board case SCV 88-281 regarding 52-54 Fairmont St., I have noticed a curious fact about the financing of the purchase by the present owners, Arthur Abbott and Victor Balk, from the R&J Trust, J. T. Rickard and Richard G. Reavis, trustees, on 10/21/85. Inspection of my earlier report to you entitled "History of Ownership of 52-54 Fairmont St., Cambridge, ..." (See items # 16-18) will show three loans to Mssrs. Abbott and Balk on or shortly after the sale. Two are from J. T. Rickard and Richard G. Reavis for \$20,000 and \$41,937.82 each for one year at 9% interest. The third is from the Haymarket Cooperative Bank, a frequent lender in Ms. Rickards ventures, for \$117,600.

EXAMINATION OF THE RECORDS OF THE SOUTH MIDDLESEX REGISTRY ON 2/3/89 DID NOT REVEAL THAT ANY OF THE THREE LOANS HAVE BEEN DISCHARGED.

Therefore, Abbott and Balk have borrowed approximately \$179,500 against a property for which they paid \$168,000. THEY APPARENTLY HAVE NO PRINCIPAL INVESTED IN THE PROPERTY.

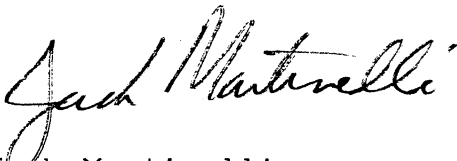
In my opinion, this arrangement raises questions about the actual owners and beneficiaries of A&B Trust. It is consistent with Mr. Abbott's testimony before the Hearing Examiner that his role in the venture was to owner-occupy 52-54 Fairmont St., decontrol it, and convert it to condominiums and/or a two-family house as well as performing much of the carpentry and renovations.

I request that this letter be admitted into the public record at the reopened hearing for SCV 88-281 on 2/28/89.

I request that the Hearing Examiner subpoena a schedule of beneficiaries of R&J Trust and A&B Trust.

I request that a copy of my letter to Mr. Robert W. Healy, City Manager, Cambridge, (copy enclosed) regarding Ms. Rickard's involvement in 26 Chatham St. and the BZA and BZA case 5377 which decision was annulled in Middlesex Superior Court on 3/2/88 be admitted into the public record at the same hearing.

I request that the Hearing Examiner take particular notice of the remarkable similarities in the ownership patterns and financing arrangements at 52-54 Fairmont St. and 26 Chatham St.



Jack Martinelli

171 Auburn Street
Cambridge, MA 02139-3949

RECEIVED BY
OFFICE OF CITY CLERK
1989 FEB 13 PM 12:36
CAMBRIDGE MA.

RECEIVED BY
OFFICE OF CITY CLERK
FEB 19 1986 12:35 PM
Inspection of the report will reveal that on 12/31/85, Ann Jarosiewicz purchased 26, 28, and 30 Chatham St for \$750,000 total. On the same day she sold all three for \$1,037,500 realizing a profit of \$287,500 or 38.3%.

CAMBRIDGE MA.
However, Jacqueline T. Rickard purchased 26 Chatham St. from A. Jarosiewicz on 12/31/85 for \$385,000 and on 4/16/86 sold to J. F. Gonsalo, Jr. for \$340,000 --- AN APPARENT LOSS of \$45,000!

Especially note that Ms. Rickard borrows three (3) times in January, 1986, secured by 26 Chatham St (items # 6-8), totaling \$530,000. She repays all loans by April 16, 1986. After subtracting the \$340,000 gain from Mr. Gonsalo, Jr., Ms. Rickard is left with a paper loss of \$190,000. After adding the loss of \$45,000 on the initial sale to Gonsalo, Jr.,

Ms. Rickard has taken an apparent paper LOSS of \$235,000 at 26 Chatham St.

This is entirely inconsistent with her other transactions of which I am aware.

Any reasonable mind might wonder at the motivation of the beneficiaries of the 26 Chatham St. Trust who would permit their trustee, Jacqueline Rickard, to lose so much money. These beneficiaries would seem to hold no interest in 26 Chatham St. now since Mr. Gonsalo, Jr., owns the property outright, not as a trustee.

In addition, I could not find any record of any other real estate transactions by Ann Jarowiewicz from 1/1/79 until 2/8/89 at the South Middlesex Registry.

A curious mind might certainly wonder about this turn of events involving such high profits and losses between two BZA colleagues. An even marginally informed mind would remember the rapidly appreciating, "speculative bubble" condominium market in Cambridge circa January, 1986, and might suspect that the role of Mr. Gonsalo, Jr. was/is to owner-occupy 26 Chatham St., decontrol it, and convert it to condominiums. By comparison with other properties similarly converted with Ms. Rickard's help in recent years, a realistic estimate of potential sale price in 1986 might have been \$250,000 per unit, or \$750,000 for the property.

Indeed, advertisements in the Boston Globe on 1/4/87, 2/1/87, 2/22/87, 3/9/87, and 3/29/87, variously offer 1-3 "wonderfully renovated" condos with "large decks for spring brunches". These condos were offered for \$179,900 to \$229,900. They were being brokered by Rosemary Mahoney, Lenore Hill, and Martha Fox of Century 21 Benoit Realty of Sommerville, MA. These representations were being made despite a pending appeal for a variance to permit the open-air porches ("decks").

11. (S-134) Order #13

Comm. from Jack Martinelli, requesting permission to address the Council at this evening's meeting & transmitting copies of his letters to the City Mgr. & Exec. Dir. of Rent Control Re: involvement of Jacqueline T. Rickard & Richard G. Reavis in Cambridge Rent Control Case SCV-281 concerning 52-54 Fairmont St. & BZA Case 5377 concerning a variance granted to John F. Gonsalo, Jr. owner of 26 Chatham St.; which variance was subsequently annulled.

In City Council,

February 13, 1989

2-13-89

Charter Right exercised
by C. W. Sullivan

2-27-89

No Action Taken. Placed
on file under Rule 19.